

April 19, 2011

City Clerk File Nos.:  
ORDS C34693 –  
C34698

COUNCIL ACTION MEMORANDUM

RE: EMERGENCY ORDINANCES C34693, C34695 and C34696 and FINAL READING ORDINANCES C34694, C34697, AND C34698

During its 6:00 p.m. Legislative Session held Monday, April 4, 2011, the Spokane City Council continued its hearing (from February 21, 2011) on Emergency Ordinances C34693, C34695 and C34696 and Final Reading Ordinances C34694, C34697 and C34698 relating to the pending West Plains Annexation and Airfield Influence Areas. City Planner Louis Meuler provided an overview of the ordinances and presented proposed amendments for Ordinances C34697 and C34696.

Subsequently, the following actions were taken:

**Motion** by Council Member McLaughlin, seconded by Council Member Rush, to approve the changes to SMC Sections 17C.210.085(B), 17C.210.085(C) and 17C.210.085(E) in Ordinance C34697 as recommended by Mr. Meuler; **carried unanimously (with Council Member Waldref voting in the affirmative via the telephone).**

*[As amended, SMC Section 17C.210.085(B) reads: A non-conforming structure in the Clear Zone or ACZ-1 shall not be expanded in height or bulk. When a non-conforming structure in the Clear Zone or ACZ-1, because of damage, destruction, deterioration or other reason, is determined to be unfit and needs to be demolished under SMC 17F.070.410, it may not be restored or reconstructed unless in full compliance with the requirements for the zone under this chapter. In cases where a structure in the Clear Zone or ACZ-1 has been damaged or partially destroyed to an extent less than sixty percent of its value, the structure may be rebuilt to the same square footage and occupancy if the owner causes restoration to begin within one year after the damage or the destruction and continues to make substantial progress as required by the building permit.*

*As amended, SMC Section 17C.210.085(C)(4) reads: When a building containing a Hazardous Use, because of damage, destruction, deterioration or other reason, is an unfit building which needs to be demolished under SMC 17F.070.410, it may not be restored or reconstructed unless in full compliance with the requirements for the zone*

*under this chapter. In cases where a building containing a Hazardous Use has been damaged or partially destroyed to an extent less than sixty percent of its value, the building may be rebuilt to the same square footage and use if the owner causes restoration to begin within one year after the damage or the destruction and continues to make substantial progress as required by the building permit.*

As amended, SMC Section 17C.210.085(E) reads: *Vacant tenant spaces in commercial buildings permitted prior to the adoption of the Airfield Overlay Zones may be leased to and/or occupied by any use permitted by both the overlay zone and underlying zoning without occupancy limitation. Any expansion of existing buildings must comply with the overlay zone and occupancy limitations.]*

**Motion** by Council Member McLaughlin, seconded by Council Member Rush, to approve the removal of the word “tenant” from (the sentence) “Vacant tenant spaces in commercial buildings permitted prior...” [under SMC Section 17C.210.085(E) in Ordinance C34697], as requested by Mr. Meuler. **Motion carried unanimously (with Council Member Waldref voting in the affirmative via the telephone).**

Mr. Meuler further explained a proposed amendment for Ordinance C34696. He recommended Alternative 2 and removing the words “benefit from and” (from third paragraph, last sentence; under Section 1, “LU 1.15 Airfield Influence Areas”) and leaving the rest of that sentence. Subsequently, the following action was taken:

**Motion** by Council Member Rush, seconded by Council Member Snyder, to amend (Alternative) 2 to the recommended language (thereby deleting the words “benefit from and” and accepting the Alternative 2 language); **carried unanimously (with Council Member Waldref voting in the affirmative via the telephone).**

The opportunity for public testimony followed and further Council and staff comment was held. Subsequently, the following actions were taken:

**Upon 6-1 Roll Call Vote (with Council Member Waldref voting “aye” via the telephone and Council Member Apple voting “no”),** the Spokane City Council **passed Emergency Ordinance C34693** relating to the pending West Plains Annexation; amending the Spokane Comprehensive Plan Land Use Map, Map LU 1, to include updated land use designations for the area within the pending West Plains Annexation; and declaring an emergency.

**Upon 6-1 Roll Call Vote (with Council Member Waldref voting “aye” via the telephone and Council Member Apple voting “no”),** the Spokane City Council **passed Final Reading Ordinance C34694** relating


to zoning for the area within the pending West Plains Annexation; authorizing amendments to the City of Spokane Official Zoning Map pursuant to Spokane Municipal Code Section 11.19.220; and setting an effective date.

**Upon 6-1 Roll Call Vote (with Council Member Waldref voting "aye" via the telephone and Council Member Apple voting "no"), the Spokane City Council passed Emergency Ordinance C34695** relating to the Airfield Influence Areas; amending the Spokane Comprehensive Plan to include a new map in Chapter 3 entitled "Airfield Influence Areas, Map LU 2;" and declaring an emergency.

**Upon 6-1 Roll Call Vote (with Council Member Waldref voting "aye" via the telephone and Council Member Apple voting "no"), the Spokane City Council passed Emergency Ordinance C34696, as amended,** relating to Airfield Influence Areas; adopting a new policy to Spokane Comprehensive Plan Chapter 3 Land Use and amending Spokane Comprehensive Plan Policy TR8.4 Airports; and declaring an emergency.

**Upon 6-1 Roll Call Vote (with Council Member Waldref voting "aye" via the telephone and Council Member Apple voting "no"), the Spokane City Council passed Final Reading Ordinance C34697, as amended,** relating to airfield overlay zones; adopting a new Chapter 17C.180 [Spokane Municipal Code]; and a new Spokane Municipal Code Section 17C.210.085 to Title 17C Land Use Standards of the Spokane Municipal Code.

**Upon 6-1 Roll Call Vote (with Council Member Waldref voting "aye" via the telephone and Council Member Apple voting "no"), the Spokane City Council passed Final Reading Ordinance C34698** relating to Airfield Overlay Zoning; authorizing amendments to the City of Spokane Official Zoning Map pursuant to Spokane Municipal Code Section 11.19.220.

  
\_\_\_\_\_  
Terri L. Pfister, MMC  
Spokane City Clerk

02/02/



# Agenda Sheet for City Council Meeting of\*

02/14/2011

Date Rec'd (Clerk use only) 01/26/2011

Clerk's File # ORD C34694

Status: CLERK REVIEW

Renews #

Submitting Dept\*: PLANNING SERVICES

Cross Ref #

Contact Name & Phone\*: KATHLEEN WEINAND 6146

Project #

Contact E-Mail\*: KWEINAND@SPOKANECITY.ORG

Bid #

Add'l Docs Attached?  First Reading Ordinance

Requisition #

Agenda Item Name: Begin with Dept # 0650 WEST PLAINS ANNEXATION ZONING MAP AMENDMENTS

Agenda Wording\*: 32 character max)  Additional attached?

An ordinance relating to zoning for the area within the pending West Plains Annexation; authorizing amendments to the City of Spokane Official Zoning Map pursuant to SMC section 11.19.220 and setting an effective date.

Summary (Background)\*: 181 character max.)  Additional attached?

The Plan Commission has recommended City zoning and updated Comprehensive Plan Land Use Plan Map designations for the pending West Plains Annexation. The proposed zoning and Comprehensive Plan Land Use Map Designations for the West Plains Annexation correlate as closely as possible to the existing County designations.

Fiscal Impact Budget Account  Additional attached?

Select	\$		#	
Select	\$		#	
Select	\$		#	
Select	\$		#	

### Approvals

### Council Notifications (Date)

Dept Head	WRIGHT, JO ANNE
Division Director	TAYLOR, MIKE
Finance	LESESNE, MICHELE
Legal	BURNS, BARBARA
For the Mayor	FEIST, MARLENE

Study Session	
Other	

### Additional Approvals

Distribution List (Emails preferred)  Additional?  
lmeuler@spokanecity.org

Purchasing	
Select Dept 1	
Select Dept 2	
Select Dept 3	

FIRST READING OF THE ABOVE ORDINANCE WAS HELD ON 2/14/11 AND FURTHER ACTION WAS DEFERRED

*Leri H. Grabe*  
CITY CLERK

PASSED BY SPOKANE CITY COUNCIL

APRIL 4, 2011

*Leri H. Grabe*  
City Clerk

34694

## ORDINANCE NO. C34694

An ordinance relating to zoning for the area within the pending West Plains Annexation; authorizing amendments to the City of Spokane Official Zoning Map pursuant to SMC section 11.19.220 and setting an effective date.

WHEREAS, a portion of the Urban Growth Area / Joint Planning Area located to the west of the limits of the City of Spokane known as the West Plains Annexation Area is proposed to be annexed into the City of Spokane; and

WHEREAS, State law authorizes local jurisdictions to prepare a proposed zoning regulation to become effective upon the annexation of any area which might reasonably be expected to be annexed; and

WHEREAS, pursuant to the requirements of RCW 36.70A.530, the commander of the Fairchild Air Force Base has been notified of this proposal and has been asked to submit a written recommendation and supporting facts relating to the proposal. Fairchild Air Force Base planning staff was also consulted and was given the opportunity to comment; and

WHEREAS, the Plan Commission held workshops on the proposed Comprehensive Plan Land Use and Zoning Map amendments on August 11, 2010, October 13, 2010 and October 27, 2010; and

WHEREAS, the Plan Commission and the City Council discussed the proposal at a joint meeting on September 30, 2010 and December 16, 2010; and

WHEREAS, an open house meeting was held on October 12, 2010 in the West Plains area to receive public feedback on the proposal. Postcards were mailed to property owners, property tax payers, business owners and residents in the proposed Airfield Influence Area. Adjacent jurisdictions and other interested agencies and parties were also sent email notifications of the open house meetings, and

WHEREAS, the Washington State Department of Community Trade and Economic Development (CTED) and appropriate state agencies were given the required 60-day notice before adoption of the proposed zoning designations on October 19, 2010. CTED acknowledged the notice on October 20, 2010; and

WHEREAS, a State Environmental Policy Act (SEPA) Environmental Checklist was completed and a Determination of Non-significance issued for the proposal on October 26<sup>th</sup> 2010. The determination was circulated to agencies with jurisdiction and parties of interest. Notice of the determination was published in the Spokesman Review on October 27<sup>th</sup> and November 3<sup>rd</sup> of 2010; and

WHEREAS, notice of the proposal and of the Plan Commission's November 10, 2010 hearing was published in the Spokesman Review on October 27<sup>th</sup> and November 3<sup>rd</sup>.

WHEREAS, postcards were mailed to property owners, property tax payers, business owners, and residents notifying them of the Plan Commission's November 10, 2010 hearing. Adjacent jurisdictions and other interested agencies and parties were also sent email notifications of the hearing; and

WHEREAS, after consideration of the issues and public testimony that is a part of the record and summarized in the City Plan Commission Findings of Fact, Conclusions, and Recommendations adopted on December 8, 2010, the Plan Commission has forwarded their recommended amendments to the zoning map, development standards, and the Comprehensive Plan; and

WHEREAS, post cards were mailed to property owners, property tax payers, business owners, and residents notifying them of the City Council's hearings; and

WHEREAS, notice of the City Council's hearings was posted in the Spokesman Review and the City's official Gazette; and

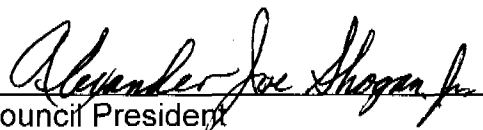
WHEREAS, the City of Spokane is required under RCW 36.70A.040(4)(d) to implement the goals and policies of the City's Comprehensive Plan by adoption of implementing development standards; and

WHEREAS, the City of Spokane is adopting amendments to the Comprehensive Plan Land Use Plan map to include updated designations for the pending West Plains Annexation; and now is revising the City of Spokane Official Zoning Map to be consistent with the amended Land Use Plan Map; -- Now, Therefore,

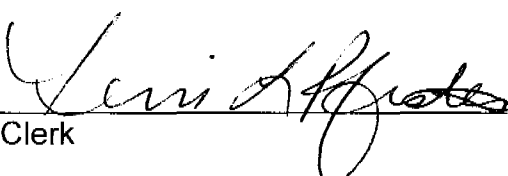
The City of Spokane does ordain:

Section 1. That the Director of Planning Services is directed to change the Official Zoning Map adopted by SMC section 11.19.220, so as to designate areas in the zoning shown on the map attached to this ordinance effective upon the date of annexation of those areas into the City limits.

**PASSED BY THE CITY COUNCIL ON APRIL 4, 2011.**

  
\_\_\_\_\_  
Council President

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Assistant City Attorney

Mary S. Verner  
Mayor

04/13/2011  
Date

MAY 13, 2011  
Effective Date



# City of Spokane West Plains Annexation Zoning

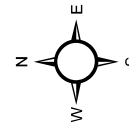
Printed by: Planning Services  
Date: 2011

## Legend

City Zoning	Color
RSF	Yellow
RMF	Orange
CB	Pink
GC	Red
LI	Light Blue

## Base Map Layers

- Annexation Area (Dashed black line)
- Municipal Boundary (Solid black line)
- Interstate Highway (Yellow line)
- Arterial (Grey line)
- Streets (Thin grey line)



**THIS IS NOT A LEGAL DOCUMENT.**  
The information shown on this map is compiled from various sources and is for informational purposes only. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

